

Remarks

Status of Claims

Claims 1-5, 7-12, 14-16, 18 and 19 stand rejected under 35 U.S.C. § 102(b). Claims 6, 13 and 17 are objected to as dependent on a rejected base claim. Claims 1 and 16 have been amended as previously discussed.

Rejection Under 102(b)

The examiner has rejected claims 1-5, 7-12, 14-16, 18 and 19 under 35 U.S.C. § 102(b) as anticipated by Haack et al, *Angew. Chem. Int. Ed. Engl.*, Vol. 36, No. 3, pp. 285-288(1997). Office action dated June 14, 2005, page 2, paragraph 2. Applicants respectfully traverse with respect to all claims for the following reasons.

A claim is anticipated "... only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). M.P.E.P. § 2131. The reference cited by the examiner discloses that all operations were conducted under an atmosphere of dry argon in standard Schlenk-type glassware. Haack et al, *Angew. Chem. Int. Ed. Engl.*, Vol. 36, No. 3, p. 287 Experimental Section. One of ordinary skill in the art would recognize that this implies anaerobic conditions. Furthermore, there is nothing in the cited reference that teaches that the disclosed reactions can be performed in the presence of oxygen. As currently amended, claims 1 and 16 recite that the steps of the claimed methods are performed in the presence of oxygen. Therefore, Applicants respectfully submit that neither one of claims 1 or 16 is anticipated by the reference. Finally, because claims 2 to 11 are dependent on claim 1 and claims 17 to 19 are dependent on claim 16, they are not anticipated by the cited reference either.

Next, claims 5 and 12 recite methods that are performed in the presence of a 5:2 molar mixture of formic acid and triethyl amine. The Haack reference does not teach or disclose the use of a mixture of formic acid and triethyl amine. Therefore, Applicants respectfully submit that these claims are not anticipated by the cited reference. Furthermore, because claims 13 to 15 are dependent on claim 12, they are not anticipated by the cited reference either.

Because none of the present claims are anticipated under 35 U.S.C. § 102(b) by the cited reference, Applicants respectfully ask that the present rejection be withdrawn with respect to all claims.

Objection to claims 6, 13 and 17

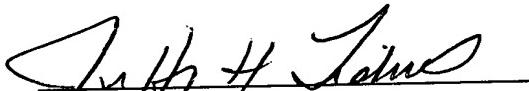
The Examiner has objected to claims 6, 13 and 17 as dependent upon rejected base claims. As stated above, Applicants respectfully submit that they have overcome the rejection of claims 1-5, 7-12, 14-16, 18 and 19. Therefore, Applicants believe that the instant objection is moot and respectfully ask that it be withdrawn.

Conclusion

Applicants respectfully submit that the rejection of claims 1-5, 7-12, 14-16, 18 and 19 has been overcome. Additionally the objection to claims 6, 13 and 17 is now moot. Therefore, Applicants believe that the instant claims are in condition for immediate allowance and ask that the Examiner act favorably upon them.

Last, Applicants hereby petition for any required extension of time. Please charge all required fees to Deposit Account No. 500329.

Respectfully submitted,

  
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